

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 13170 of 2022

M/s. Utkal Amrit (JV), Angul

.....

Petitioner

Mr. S.S. Das, Advocate

Vs.

*Mahanadi Coalfields Limited
(MCL), Sambalpur and others*

.....

Opposite Parties

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

19.10.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. S.S. Das, learned counsel appearing for the petitioner.

3. The petitioner has filed this writ petition seeking to quash the communication dated 27.11.2021 under Annexure-16 issued by opposite party no.4 refusing to release the amount of Rs.63,44,264/- in favour of the petitioner-contractor on consideration of its representation in pursuance of the order dated 29.09.2021 passed by this Court in W.P.C No.28960 of 2021.

4. Mr. S.S. Das, learned counsel appearing for the petitioner contended that there is no dispute with regard to the entitlement of the petitioner, but fact remains when the petitioner earlier approached this Court, objection was raised that there was an Independent External Monitor Committee to decide the case of the petitioner. Consequentially, he approached the Independent External Monitor Committee, which has to adjudicate the grievance made by the petitioner. Accordingly, the same was considered and determination was made that the petitioner is

entitled to get Rs.63,44,264/-, but now the opposite parties are not releasing the amount in favour of the petitioner.

5. Having heard learned counsel appearing for the petitioner and after going through the records, since the opposite parties are not willing to release the amount in question, pursuant to determination made by the Independent External Monitor Committee, the same cannot be enforced in exercise of writ jurisdiction under Article 226 of the Constitution of India. More particularly when the money claim is involved, pursuant to a contract entered into between the petitioner and the opposite party-MCL, this Court is not inclined to entertain this writ petition. However, liberty is granted to the petitioner to pursue its remedy before the appropriate forum.

6. With the above observation, the writ petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

(G. SATAPATHY)
JUDGE

Alok/Subhasmita